

**MINUTES  
REGULAR BOARD MEETING  
THURSDAY, JANUARY 17, 2008, 9:00 A.M.**

Board Members Present at Roll Call: Les Abrams, Rod Bolden, Gabe Corral, Charlie Havranek, Cynthia Henry, Myra Jefferson, Debbie Rudd. A quorum was present. Board Members Present after Roll Call: None. Board Members Absent: None. Vacant Board Member Positions: Public; Certified Residential Appraiser.

Also Present at Roll Call: Debb Pearson, Executive Director; Beckie Loar, Regulatory Compliance Administrator; Jeanne Galvin, Assistant Attorney General; Dawn Walton-Lee, Assistant Attorney General. Also Present after Roll Call: Christopher Munns, Assistant Attorney General, Solicitor General's Office.

Also Present At Roll Call: Kristi Klamet and Jenny Tidwell, Appraisal Policy Managers, Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Les Abrams acted as Chairperson. The Board thanked Dawn Walton-Lee for her representation of the Board and welcomed Jeanne Galvin as the Board's newly-assigned Assistant Attorney General.

The Board pledged allegiance to the flag of the United States of America.

Cynthia Henry moved that the Amended Minutes of the November 15, 2007, Regular Board Meeting be approved. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion. Myra Jefferson moved that the Minutes of the December 13, 2007, Regular Board Meeting be approved. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion.

**PUBLIC ANNOUNCEMENTS AND CALL TO PUBLIC**

Julie Friess, Certified Residential Appraiser # 20957; Bill Barnes, Certified General Appraiser # 30969; and Karl Keeler, Licensed Appraiser # 10752, filed Calls to Public and spoke to the Board concerning mortgage fraud, lack of fines, and appraiser enforcement. Thomas Inserra, Certified General Appraiser #30038 and CEO of ZAIO, filed a Call to the Public and spoke to the Board concerning his company's support for the Board and willingness to perform volunteer investigations into mortgage fraud complaints.

**COMPLAINT REVIEW**

Informal Hearing Concerning 2385/2386/2387/2388/2389/2390/2391, William H. Moffett.

Respondent did not appear. Charlie Havranek moved, that at the request of Respondent's attorney, the informal hearing be continued. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2506, Geoffrey C. Brady.

Respondent appeared. Staff summary was read. Debbie Rudd moved that the Board find no violations and dismiss the complaint. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2519, Mark M. Grumley.

Respondent appeared. Staff summary was read. Debbie Rudd moved that the Board find no violations and dismiss the complaint. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2513/2514, John M. Ugrotzi, Jr.

Respondent appeared. Staff summary was read. Charlie Havranek moved that the Board find Level III violations and offer Respondent a Consent Agreement and Order of Discipline citing the violations, prohibiting Respondent from acting as supervising appraiser for one year and requiring disciplinary education. Myra Jefferson seconded the motion. The Board voted 5-2 in favor of the motion upon the following roll call vote: Les Abrams--yes, Rod Bolden--yes, Gabe Corral--no, Charlie Havranek--yes, Cynthia Henry--no, Myra Jefferson--yes, Debbie Rudd--yes.

Review and Action Concerning 2515, Jeff Mott.

Respondent did not appear. Staff summary was read. Charlie Havranek moved that the Board issue Respondent a cease and desist letter and that the complaint be reopened and considered in the event Respondent applies for licensure/certification. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2532, Mark A. D'Hondt.

Respondent appeared. Staff summary was read. Debbie Rudd moved that the Board find no violations and dismiss the complaint. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2302, Michael D. Schendel.

Respondent appeared and was represented by Shawn Stone, Esq. Charlie Havranek moved that, at the request of Respondent, the matter be referred to formal hearing before the Office of Administrative Hearings (OAH). Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2311/2312/2313/2314/2315, Shahab A. Mehkri.

Respondent did not appear but was represented by Dee R. Giles, Esq. At the request of Respondent's attorney, the matters were referred to formal hearing before the Office of Administrative Hearings (OAH).

Review and Action Concerning 2512, Kathleen P. McKenney.

Respondent appeared. Staff summary was read. Debbie Rudd moved that the Board find Level I violations and offer Respondent a nondisciplinary letter of concern citing the violations. Gabe Corral seconded the motion. The Board voted 6-1 in favor of the motion. Charlie Havranek abstained.

Review and Action Concerning 2528, Michael W. Jacobs.

Respondent appeared. Staff summary was read. Charlie Havranek moved that Respondent be granted a 30-day extension to reply. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2505, Scott A. Cook.

Respondent appeared. Staff summary was read. Charlie Havranek moved that the Board find no violations and dismiss the complaint. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2487, Nathan G. Morris.

Respondent and Tom Canale, Licensed Appraiser # 10911 appeared. Charlie Havranek moved that Respondent be granted 30 additional days to sign the proposed Consent Agreement and Order of Discipline; and if not signed, the matter be referred to formal hearing before the Office of Administrative Hearings (OAH). Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2426, Ray F. Griego.

Respondent did not appear. Charlie Havranek moved that the Board accept the investigative report. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion. Charlie Havranek moved that the Board invite Respondent to an informal hearing. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2428/2429/2430, Douglas E. Grever.

Respondent did not appear. Charlie Havranek moved that the investigative report for 2428 be returned to the investigator for correction of typographical errors. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board accept the investigative reports for 2429/2430. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board table 2429/2420 pending receipt of the corrected investigative report in 2428. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2433/2446/2447, Michelle L. Hanke.

Respondent did not appear. Debbie Rudd moved that the Board accept the investigative reports. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board invite Respondent to an informal hearing. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2444, Dawna Rogers.

Respondent did not appear. Charlie Havranek moved that the Board accept the investigative report. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion. Charlie Havranek moved that the Board invite Respondent to an informal hearing. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2452/2457, Dana A. Miller.

Respondent appeared. Debbie Rudd moved that the Board accept the investigative reports. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board invite Respondent to an informal hearing. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2453, Jaime Topete.

Respondent did not appear. Debbie Rudd moved that the Board accept the investigative report. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board invite Respondent to an informal hearing. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2508, Theodore R. Wall/2509, Timothy N. Morrison/2510 Randall Clemson.

Respondents in 2508/2509 did not appear. Respondent in 2510 appeared. Staff summaries were read. Charlie Havranek moved that the Board invite Respondents in 2508/2509 to an informal hearing and subpoena Respondent in 2510 to appear at the informal hearing. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board dismiss 2510 for lack of jurisdiction. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2470, Paul F. Devries.

Respondent appeared. Charlie Havranek moved that the Board accept the investigative report. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion. Charlie Havranek moved that the Board invite Respondent to an informal hearing. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2460, Angus Hopkins III.

Respondent did not appear. Debbie Rudd moved that the Board accept the investigative report. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board find Level II violations and offer Respondent a nondisciplinary letter of remedial action citing the violations and requiring remedial education. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2478, Gary J. Roeth.

Respondent did not appear. Debbie Rudd moved that the Board accept the investigative report. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board find Level II violations and offer Respondent a nondisciplinary letter of remedial action citing the violations and requiring remedial education. Rod Bolden seconded the motion. The Board voted 6-1 in favor of the motion. Charlie Havranek voted no.

Review and Action Concerning 1625/1626/1888/1889/1890, James D. Schofield.

Respondent did not appear. Charlie Havranek moved that the Board deny Respondent's request for termination of mentorship and probation. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion. Charlie Havranek moved that the Board request three additional appraisals for audit in 60 days. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion. Charlie Havranek moved that the Board offer Respondent an Amended Consent Agreement and Order of Discipline citing the violations and requiring mentorship and the audit of three additional appraisals in 60 days. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2264/2265, Kurt D. Holm.

Respondent did not appear. Charlie Havranek moved that the Board terminate Respondent's probation. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2266, William N. Nold.

Respondent did not appear. Charlie Havranek moved that the Board terminate Respondent's probation. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2322, Dana H. Volmer.

Respondent did not appear. Charlie Havranek moved that the Board accept the late completion of the remedial education under the 8/22/07 nondisciplinary letter of remedial action and that the complaint be closed. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2378, Michael Santana.

Respondent did not appear. Charlie Havranek moved that the Board approve Elton B. Bearden, Certified Residential Appraiser # 20982, as Respondent's mentor. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2379, Michael S. Mason.

Respondent did not appear. Charlie Havranek moved that because Respondent has not signed the proposed Consent Agreement and Order of Discipline, the matter be referred to formal hearing before the Office of Administrative Hearings (OAH). Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2494, Eugene C. Rowe.

Respondent did not appear. Charlie Havranek moved that the matter be tabled to allow Respondent to sign the proposed Consent Agreement and Order of Surrender. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2504, Iver A. Bowden.

Respondent did not appear. Staff summary was read. Charlie Havranek moved that staff subpoena additional information. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2507, David M. James.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the Board find no violations and dismiss the complaint. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2511, Marc L. Arnowitz.

Respondent did not appear. Staff summary was read. Charlie Havranek moved that staff subpoena additional information. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2516, Timothy R. Fortunato.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the matter be referred to investigation. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2517, Thomas M. Boneff.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the Board find no violations and dismiss the complaint. The motion failed for the lack of a second. Gabe Corral moved that the matter be referred to investigation. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2518, Gary F. Bartholomew.

Respondent did not appear. Charlie Havranek moved that the Board find Level II violations and offer Respondent a due diligence consent letter citing violations and requiring disciplinary education. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2526, Denice C. Ferrier.

Respondent did not appear. Staff summary was read. Gabe Corral moved that the Board find no violations and dismiss the complaint. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2527, Robert A. Williams.

Respondent did not appear. Staff summary was read. Charlie Havranek moved that because Respondent has not complied with the Consent Agreement and Order of Discipline, the matter be referred to formal hearing before the Office of Administrative Hearings (OAH). Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2529, Jeffrey J. Erhart.

Respondent did not appear. Staff summary was read. Charlie Havranek moved that the matter be referred to investigation. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2530, Carol J. Lucero.

Respondent did not appear. Staff summary was read. Charlie Havranek moved that Respondent be granted a 30-day extension to reply. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2531, Steve A. McReynolds.

Respondent did not appear. Staff summary was read. Charlie Havranek moved that the Board find no violations and that the complaint be dismissed. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Dawn Walton-Lee left the meeting. Christopher Munns, Assistant Attorney General, Solicitor General's Office, joined the meeting.

Review and Action Regarding Issues Dealing With Formal Hearing Concerning 2214, Lawrence E. Bloom.

Respondent appeared. Jeanne Galvin, Assistant Attorney General, represented the State. Christopher Munns, Assistant Attorney General, Solicitor General's Office, advised the Board. Charlie Havranek moved that Respondent be granted 30 additional days to sign the proposed Consent Agreement and Order of Discipline; and if not signed, the matter be referred to formal hearing before the Office of Administrative Hearings (OAH). Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Regarding Issues Dealing With Formal Hearing Concerning 2448 (08F-2448-BOA), Hayden L. Meier.

Respondent appeared and was represented by Justin Holm, Esq. Jeanne Galvin, Assistant Attorney General, represented the State. Christopher Munns, Assistant Attorney General, Solicitor General's Office, advised the Board. The Board, having reviewed the record, heard oral arguments on behalf of the parties. Charlie Havranek moved that the Board accept Findings of Fact 1-13 of the Administrative Law Judge with modifications requested by the State to correct typographical errors, to read as follows:

**FINDINGS OF FACT**

1. At all times relevant to this matter, Hayden Meier ("Mr. Meier") held a residential real estate appraisal certificate number 21027 issued by the Arizona Board of Appraisal ("Board").

2. On May 31, 2006, Mr. Meier entered into a Consent Agreement in Board Case Number 2038 ("Consent Agreement") which resolved a complaint that was filed against Mr. Meier, investigated by the Board, and was to be set for a disciplinary hearing.

3. The Consent Agreement was executed on behalf of the Board on May 31, 2007. The terms of the Consent Agreement contained admissions of violations by Mr. Meier, and disciplinary action as follows: Mr. Meier's certificate was immediately suspended for two weeks followed by a probationary term for a minimum of twelve months during which time Mr. Meier was to successfully complete 30 hours of qualifying education on appraisal procedures with examination, successfully complete 30 hours of qualifying education on appraisal principles with examination, and successfully complete a 15-hour Uniform Standards of Professional Appraisal Practice ("USPAP") course. Mr. Meier was also required to perform at least 20 appraisals under the supervision of a mentor who was either an Arizona Certified Residential or Certified General Appraiser and provide monthly logs of appraisal activity to the Board. Mr. Meier's mentor was required to submit monthly reports on Mr. Meier's appraisal activity under the mentor's supervision.

4. On August 23, 2007, Mr. Meier submitted to the Board proof of attending a qualifying education class on appraisal principles from April 3, 2007 through April 6, 2007 and proof attending a qualifying education class on appraisal procedures from April 9, 2007, through April 12, 2007, each consisting of 28 hours that was given by the Appraisal Institute. Mr. Meier also submitted to the Board proof that he completed an on-line 7-hour USPAP course on July 18, 2007.

5. Deborah Pearson ("Ms. Pearson"), Executive Director of the Board, testified:

a. Mr. Meier did not satisfy the requirements of the Consent Agreement in that he did not pass examinations for the appraisal principles and appraisal procedures courses, nor did he provide proof that he completed the required 30 hours in each area. Mr. Meier only completed 28 hours of education in each area without taking the examinations.

b. The Board received three monthly appraisal log reports to the Board for the months of July, September, and October, 2006.

c. Mr. Meier's mentor, Daniel Smith, submitted monthly reports regarding Mr. Meier for the period of July, 2006 through July, 2007 and for the months of September and October, 2007, showing there was no appraisal activity for those months.

d. Based on the information that the Board had, it opened an investigation into Mr. Meier's noncompliance with the Consent Agreement. Mr. Meier was notified that an investigation was opened through a letter authored by Ms. Pearson dated July 24, 2007 (Exhibit 5) and requested that Mr. Meier address his noncompliance with the Consent Agreement as set forth above.



6. Mr. Meier sent a letter to the Board (Exhibit 6) in response to Ms. Pearson's July 24, 2007 letter. Mr. Meier represented in that letter that he thought he had until October 31, 2007 to perform under the Consent Agreement but acknowledged upon reading the Consent Agreement that he was incorrect with the compliance time deadline. Mr. Meier indicated he took the appraisal principles and appraisal procedures courses, that he took a 7-hour USPAP class, he was scheduled to take the 15-hour USPAP course in Phoenix and has completed two appraisals. He stated he does not live or work in Phoenix and it has been had to be in Phoenix to complete the appraisals. He also indicated his belief that Mr. Smith was to have filed monthly reports to the Board.

7. Mr. Meier testified under oath as to this belief of what was required under the Consent Agreement and of the information contained in the above-mentioned response letter.

8. Mr. Meier explained that he was unaware that he was required to submit monthly appraisal logs to the Board and was unaware of the three the Board has received until the hearing. He surmised that his assistant must have submitted them on his behalf and when she left his employment she did not notify him of what she had been doing and that the monthly log requirement "fell through the cracks".

9. Mr. Meier testified that he was unaware of the examination requirement and thought by attending the appraisal principles and procedures classes that he satisfied the requirements of the Consent Agreement.

10. Mr. Meier testified that he performed two appraisals with Mr. Smith but that the loans associated with the appraisals did not fund.

11. It is noted that Mr. Meier did not provide any documentation to the Board or submit a monthly log showing the two appraisals. In contrast, Mr. Smith submitted monthly reports showing no appraisal activity for Mr. Meier.

12. Mr. Meier maintained that Mr. Smith was mistaken with respect to the two appraisals but offered no documentation or corroborating evidence to support that contention.

13. Mr. Meier represented that he had planned on taking the 15-hour USPAP course in October 2007 and the reason he took the 7-hour USPAP class is that that was what other jurisdictions required.

Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Charlie Havranek moved that the Board accept Conclusions of Law 1-10 of the Administrative Law Judge with modifications requested by the State to correct typographical errors, to read as follows:

#### **CONCLUSIONS OF LAW**

1. This matter is a disciplinary proceeding wherein the Board must prove by a preponderance of the evidence that respondents violated the State law regulating appraisers. See A.A.C. R2-19-119.

2. A preponderance of the evidence is "such proof as convinces the trier of fact that the contention is more probably true than not." Morris K. Udall, Arizona Law of Evidence § 5 (1960).

3. A.A.C. R4-46-301(D)(5) provides the Board with the authority to enter into Consent Agreements and Orders to resolve disciplinary matters.

4. The Board has the authority to adopt criteria that are equal to the minimum criteria for certification issued by the appraisal qualifications board of the appraisal foundation and adopted by the appraisal subcommittee. A.R.S. § 32-3605(B)(2).

5. The Board has the authority to discipline, including suspension or revocation of a certificate of a state certified appraiser for failing to meet the minimum qualifications established by Chapter 36, A.R.S., Title 32. A.R.S. § 32-3612(A)(2).

6. The Consent Order in Case Number 2039 contained minimum qualifications that the Board required of Mr. Meier in order for him to remain a state certified appraiser.

7. The Administrative Law Judge concludes, on the evidence presented, that the Board sustained its burden of proving that the conduct of Mr. Meier, as set forth above, constitutes noncompliance with a Board Order in Board Case Number 2039, and proved by credible evidence that Mr. Meier failed to meet the minimum requirements for certification in violation of A.R.S. § 32-3631(A)(2).

8. The conduct of Mr. Meier, as set forth above, constitutes willful disregard of the statutes and rules of the Board, in violation of A.R.S. § 32-3631(A)(8).

9. Pursuant to the authority of the Board found at A.R.S. § 32-3601, *et seq.*, and the terms of the Consent Agreement and Order, the conduct and circumstances described in the above Findings of Fact constitute grounds for discipline.

10. Grounds exist for the Board to take disciplinary action against Mr. Meier, including revocation of his residential appraiser certificate pursuant to A.R.S. § 32-3601 *et seq.*

Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion. Gabe Corral moved that the Board modify the Order of the Administrative Law Judge to include its standard language regarding revocation decisions, to read as follows:

#### **ORDER OF REVOCATION**

In issuing this order of discipline, the Board considers its obligations to fairly and consistently administer discipline, its burden to protect the public welfare and safety, as well as all aggravating and mitigating factors presented in the case. Based on the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED:**

1. That certified residential appraiser certificate No. 21027 issued to Mr. Meier to practice as a Certified Residential Appraiser be revoked as of the effective date of this Order.

2. That Mr. Meier shall immediately surrender his license by returning it to the Board office.

3. That Mr. Meier may not accept fees for or perform appraisals, appraisal reviews, consulting assignments, or any services governed by the Uniform Standards of Professional Appraisal Practice, A.R.S. § 32-3601, *et seq.*, or the rules promulgated thereunder.

4. That Mr. Meier is hereafter subject to the provisions of A.R.S. § 32-3638, which states that any person who is not licensed or certified as an appraiser and performs a real estate appraisal or appraisal review, or uses the designation of licensed or certified appraiser and/or provides false information to the Board is guilty of a Class 1 misdemeanor.

5. That if Mr. Meier reapplies for licensing or certification as an appraiser in the State of Arizona in the future, this disciplinary action may be considered as part of the substantive review of any application submitted by Mr. Meier, pursuant to A.R.S. § 32-3611(D).

6. Pursuant to the Board's Substantive Policy Statement #1, the Board considers the violations set forth herein to amount to Level V Violations for disciplinary purposes.

### **RIGHT TO PETITION FOR REHEARING OR REVIEW**

Respondent is hereby notified that he has the right to petition for a rehearing or review. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing or review must be filed with the Board's Executive Director within 30 days after service of this Order and pursuant to A.A.C. R4-46-303, it must set forth legally sufficient reasons for granting a rehearing or review. Service of this order is effective five days after mailing. If a motion for rehearing or review is not filed, the Board's Order becomes effective 35 days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion upon the following roll call vote: Les Abrams--yes; Rod Bolden--yes; Gabe Corral--yes; Charlie Havranek--yes; Cynthia Henry--yes; Myra Jefferson--yes; Debbie Rudd--yes.

### **Review and Action Regarding Issues Dealing With Formal Hearing Concerning 07F-6817-BOA, Patricia A. Mohritz.**

Respondent appeared. Jeanne Galvin, Assistant Attorney General, represented the State. Christopher Munns, Assistant Attorney General, Solicitor General's office, advised the Board. The Board, having reviewed the record, heard oral arguments on behalf of the parties. Charlie Havranek moved that the Board accept the Administrative Law Judge's Findings of Fact 1-41 and Conclusions of Law 1-6, to read as follows:

### **FINDINGS OF FACT**

#### **Background and Procedure**

1. On June 18, 2007, the Arizona State Board of Appraisal received a completed Application for State Certified General Real Estate Appraiser from Patricia A. Mohritz. Ms. Mohritz attached to her application a completed Experience Log, which showed that, since August 2004, she had more than 3,800 hours experience in appraising residential and commercial properties in Michigan, where she is a State Certified General Appraiser.
2. On June 28, 2007, the Board's Executive Director Deborah G. Pearson informed Ms. Mohritz that her application was administratively incomplete and requested that she submit three appraisal reports, which had been randomly selected from her Experience Log.
3. Ms. Mohritz submitted copies of the three requested appraisal reports.
4. The Board's Appraisal Review Committee ("the Committee") reviewed the three appraisal reports that Ms. Mohritz had submitted. The Committee determined that the reports did not comply with the Uniform Standards of Appraisal Practice ("USPAP") and recommended that Ms. Mohritz's application be denied.
5. On July 19, 2007, the Board adopted the Committee's recommendation and voted to deny Ms. Mohritz's application.
6. On July 26, 2007, Ms. Pearson informed Ms. Mohritz that the Board had denied her application because "the submitted application was not supported by adequate written reports pursuant to A.R.S. § 32-3615."
7. Ms. Mohritz requested a hearing on the denial.
8. The Board referred the matter to the Office of Administrative Hearings, and on September 18, 2007, issued a Notice of Public Hearing on Denial of Licensure, which set an

administrative hearing on October 24, 2007 at 9:00 a.m. and cited A.R.S. §§ 32-3614(B), 32-3615, and 32-3620 in support of the Board's denial.

9. The Board also hired contract investigator Patricia A. Thoms, holder of Certified General Appraisal Certificate #30731, to study and report her opinion of the three appraisal reports that Ms. Mohritz had submitted to the Board.

10. After one continuance, a hearing was held on December 11, 2007 at 9:00 a.m. Ms. Mohritz testified on her own behalf and had admitted into evidence nine exhibits. The Board presented the testimony of Ms. Pearson and Ms. Thoms and had admitted into evidence five exhibits.

#### **Hearing Evidence**

##### **Ms. Thoms**

11. Ms. Thoms has been a certified general real property appraiser in Arizona since 1994. She has appraised real properties since 1991.

12. Ms. Thoms explained that certified general real property appraisers have earned the highest level of licensure and are able to appraise all real properties, including residential, commercial, and complex properties.

13. Ms. Thoms testified that, typically, the Board gives her all information included in a file, including letters between the Board and appraiser and appraisal reports. In most cases she investigates, she drives by the subject properties and comparable sale properties. Because all the properties in this case were located in Michigan, she did not personally view them.

14. Ms. Thoms testifies that she reviewed all three appraisal reports. Two were appraisals of commercial properties and one was of a residential property.

15. Ms. Thoms testified that she is familiar with USPAP, which governs appraisal practice throughout the United States.

16. Appraisal #3 was a summary appraisal report for a residential property located at 66643 Deerwood Lane in Washington, Michigan with an effective date of September 29, 2004. The clients for whom the report was prepared were Arnold Spieker Jr. and Arnold Spieker Sr.

17. Ms. Thoms testified that appraisal #3 was "pretty much" in compliance with USPAP. Ms. Thoms' only concern was that the report failed to state occupancy. A lender would be interested because, typically, different underwriting standards applied to owner-occupied residences.

18. Appraisal #2 was a summary appraisal report for a commercial property, a "lodge" or "meeting hall" located at 166 Visger Rd., River Rouge, Wayne County, Michigan with an effective date of September 8, 2006. The client, National City Small Business Banking, had requested a Sales Comparison approach.

19. Mr. Thoms testified that the market value conclusion in appraisal #2 contained no analysis and, therefore, was not credible. A summary report was supposed to summarize; the summary does not have to be detailed but the report must contain sufficient information to allow a reader to understand the report.

20. Ms. Thoms testified that Ms. Mohritz's report for appraisal #2 included eight comparable sales, including church facilities, but did not explain why church facilities would be comparable to a lodge facility. Ms. Thoms felt that there were so many factors that needed to be discussed, but were not.

21. Ms. Thoms testified that Ms. Mohritz's report for appraisal #2 also stated that the intended use of the appraisal was for federally related financing for the subject property. But the report

did not contain sufficient information for federal financing, since it included no analysis of the eight allegedly comparable sales.

22. Ms. Thoms also testified that appraisal #2 included a highest and best use "as vacant" and "as improved," but did not provide any analysis of the property and other impacting considerations to allow the reader to gauge the reasonableness of the "as vacant" highest and best use conclusion. The report was "very abbreviated" and noted that the property was zoned B-2, which allowed "a place of gathering." There was insufficient detail to state whether other uses were permissible or probable. Ms. Thoms testified that an appraiser, in performing a "highest and best use" analysis, must consider what was legally, physically, and economically possible. None of this was addressed in Ms. Mohritz's appraisal #2. The report simply did not contain sufficient information to allow a reader to arrive at the same conclusion of value.

23. Ms. Thoms testified that a significant required element of an appraisal report was the appraiser's certification, or statements that the facts stated in the report were true to the best of her knowledge, that she had not interest in the subject property, and whether or not anyone had provided assistance with the report.

24. Ms. Thoms testified that, due to the lack of detail and information in appraisal #2, she felt that the report violated numerous subsections of USPAP Rule 1 for a summary appraisal report, in that Ms. Mohritz had apparently failed to collect adequate information to make the report credible. For the same reasons, Ms. Thoms felt that appraisal #2 also violated numerous corresponding subsections of the reporting requirements of USPAP Rule 2 for a summary appraisal report, in that Ms. Mohritz did not include sufficient information or analysis to make the summary appraisal report credible.

25. Appraisal #1 was a summary appraisal of another commercial property, a church located at 140 E. Flint St., Lake Orion, Oakland County, Michigan with an effective date of November 9, 2006. This summary report was also prepared for National City Small Business Banking. Ms. Thoms found the same USPAP violations in appraisal #1 as she found in appraisal #2. There was insufficient information and analysis for the report's conclusion as to value to be credible or understandable.

26. On cross-examination, Ms. Thoms testified that she was familiar with restricted use appraisal reports. She testified that, after 2006, restricted use appraisals were not acceptable because the Departure provision was eliminated. The three kinds of appraisal reports are now limited, summary and full document.

27. On cross-examination, Ms. Thoms admitted that item (g) of her certification, that she had "made a personal exterior drive-by inspection of the property that is the subject of the investigation," was in error. Item (g) resulted from a failure to edit boilerplate.

**Ms. Mohritz**

28. Ms. Mohritz admitted that appraisals #1 and #2 did not comply with USPAP requirements for summary reports. She admitted that she had denominated appraisal #1 and #2 as summary appraisals.

29. Ms. Mohritz had admitted into evidence answers from the Appraisal Standards Board regarding common questions about changes that were incorporated into the 2006 edition of USPAP, in relevant part as follows:

21. How is the new definition [of "credible"] different from what is in the dictionary?

The new USPAP definition of credible, *worthy of belief*, is not really different from the common usage. The context for use of the term in USPAP is explained in the Comment to the definition: *credible assignment results require support, by relevant evidence and logic, to the degree necessary for the intended use.*

22. What's important to know about "credible"?

Whether or not assignment results are credible is always measured in the context of the intended use of the assignment. This means that credibility is relative, not absolute. Assignment results that are credible for one intended use may not be credible for another intended use.<sup>1</sup>

30. Ms. Mohritz had admitted into evidence an e-mail string from certain employees of National City, the client for whom she had prepared appraisals #1 and #2, concerning a "Type A" format that its appraisers were expected to follow, under which time and fees were capped, which was described as follows:

The Type A is intended to be the standard reporting format for appraisal assignments involving non-residential and non-complex and/or non-special purpose properties that are requested by Small Business Banking. Since normally only one approach to value is process in the report, it is imperative that the most relevant approach be used. If it is an investment property, we would expect to see an Income Capitalization approach in the report. If it is an owner-occupied property, then the Sale Comparison approach would probably be the most relevant choice. Some examples of common appraisal assignments that should be performed on the Type A format and within the fee and turnaround time structure mentioned above include: stabilized investment properties, such as small apartment buildings or retail properties, small industrial properties including office/warehouses, mixed-use properties (e.g., retail on first floor, apartments on second floor), auto repair garages, bar/restaurants and vacant land.

31. The e-mails continue that, "[i]n an effort to dramatically improve service levels and to reduce the cost of real estate appraisals for many of our Small Business transactions with real estate as collateral, we have entered into a 'gentlemen's agreement' with Douglas K. Hodge, MAI . . . ." Two responses objected to the loss of Ms. Mohritz's services:

Pat has been doing appraisals for our group for some time in the same price range (\$600-\$1,000). We have many reasons to use her and under no circumstance do I wish to cut her out. She is a big advocate of the bank and meets short deadlines when we need her. Most, if not all of my bbo's have a relationship w/Pat. Are we free to exercise our judgment and still use Pat regularly? I don't want to lose her as a valued resource and actually prefer using her to anyone else.

32. Ms. Mohritz had admitted into evidence a "Sample 'Type A' Appraisal Report", described as a "Limited Appraisal—Summary Appraisal Report (Type A)," as follows: This is a **SUMMARY** Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(b) of the [USPAP] for a **SUMMARY** Appraisal Report. As such, it presents only summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. . . . Furthermore, in accordance

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<sup>1</sup> Ms. Mohritz's Ex. A [emphases in original.]

with prior agreement between the client and the appraiser, this report is the result of a **LIMITED** appraisal process, as certain allowable departures from specific guidelines of the USPAP were invoked . . . .<sup>2</sup>

33. Ms. Mohritz explained that the verbiage did not come from USPAP; rather, it was designed by her client National City Small Business Banking to meet the requirements of its lenders.

34. Ms. Mohritz had admitted into evidence her workfiles for the Flint St. and Visger St. properties, which she said provided additional details and analysis that had been omitted from her reports at her client's request, including analyses of comparable sales.<sup>3</sup>

35. Ms. Mohritz had admitted into evidence an excerpt from the 2006 USPAP, which described and set forth the requirements of a Self-Contained, Summary, and Restricted Use Appraisal Report.<sup>4</sup>

36. Ms. Mohritz explained that National City Small Business Banking's "Type A" Appraisal Report format required the appraiser to issue a limited use appraisal report. Unfortunately, the format also required the appraiser to call the report a "summary appraisal report." Appraisal Reports #1 and #2 met USPAP requirements for a limited use appraisal report. There would have been no USPAP violations, except her omission of the certification.

37. Ms. Mohritz testified that, when National City Small Business Banking started requiring the appraisers with whom it contracted to use the "Type A" Appraisal Report format, she had been consulting with another appraiser, who was also legal counsel for the Appraisal Institute. Ms. Mohritz sent a sample "Type A" report to her friend, who assured her it "would be fine." That was Ms. Mohritz's justification for using the format that her client required. She now understands that the appraisal reports that used the format should have been called, unambiguously, "Restricted Use" or should have included more information from her workfile.

38. Ms. Mohritz admitted on cross-examination that although the client requested a "Type A" Appraisal Report format, she knew that she still must comply with USPAP requirements. She agreed that appraisals #1 and #2 were labeled summary reports and that, for such a format, the appraiser can't just make conclusive statements of facts, she must provide a summary of the evidence she relied upon. If appraisals #1 and #2 were summary reports, they were not USPAP compliant.

39. Ms. Mohritz testified that she had inadvertently omitted the certification from her reports because she had been working with another person, who was not involved in appraisals #1 and #2. She had inadvertently deleted the reference, rather than editing the boilerplate. There are many routine details in an appraisal report that the appraiser needs to remember and editing errors, such as Ms. Thoms' statement in her report that she personally viewed the properties, are not uncommon.

40. Ms. Mohritz offered into evidence three summary appraisal reports of commercial properties that she had prepared for other clients that did not use National City Small Business Banking's "Type A" Appraisal Report format.<sup>5</sup> The Administrative Law Judge explained that she could not consider evidence that the Board had not considered in its decision to deny Ms. Mohritz's application and that Ms. Thoms had not considered in her hearing testimony. Nonetheless, Ms.

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2 See Attachment to Ms. Mohritz's Ex. B [emphases in original].

3 See Ms. Mohritz's Ex. C. and Ex. D.

4 See Ms. Mohritz's Ex. E.

5 See Ms. Mohritz's Ex. F. G and H.

Mohritz felt that the appraisals were much more representative of her qualifications and should be available to the Board before it rendered its final decision on her license application.

41. Ms. Mohritz also offered into evidence a modified experience log, which redacted all appraisals she has prepared for National City Small Business Banking using the "Type A" Appraisal Report format.<sup>6</sup> Even with these redactions, she had 1771 hours of appraisal experience.

#### **CONCLUSIONS OF LAW**

1. The Board is the state agency authorized to regulate and control the licensing and certification of real property appraisers in the State of Arizona.<sup>7</sup> This matter lies within its jurisdiction.

2. Ms. Mohritz bears the burden of proof and must establish that she meets statutory qualifications for a State Certified General Real Estate Appraiser Certificate by a preponderance of the evidence.<sup>8</sup> "A preponderance of the evidence is such proof as convinces the trier of fact that the contention is more probably true than not."<sup>9</sup> A preponderance of evidence is "[t]he greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other."<sup>10</sup>

3. The Board, pursuant to the legislature's grant of rule-making authority,<sup>11</sup> has required that appraisers in Arizona must comply with USPAP.<sup>12</sup> Applicants for certified general certificates must show that they are capable of meeting these same standards.<sup>13</sup>

4. Ms. Mohritz admitted that two of the three appraisal reports that the Board randomly selected from her log did not meet USPAP requirements. The Board has not seen the additional evidence offered and the Administrative Law Judge cannot weigh the additional evidence to determine whether the additional reports that Ms. Mohritz offered into evidence were USPAP compliant without the benefit of the Board's expertise.<sup>14</sup> The Administrative Law Judge therefore has no choice but to conclude that Ms. Mohritz has failed to carry her burden to establish that she meets statutory qualifications for the grant of a State Certified General Real Estate Appraiser Certificate.

5. Ms. Mohritz did establish that the format of the two substantially noncompliant appraisal reports was selected and imposed by the client, which apparently lacked appraisal expertise, and that the reports did not comply with USPAP because they were mislabeled "summary reports," rather than appropriately labeled restricted use reports. Although the client's ill-informed requirement is not a defense, it should be a matter in mitigation of the consequences of Ms. Mohritz's consequent USPAP violations.

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6 See Ms. Mohritz's Ex. I.

7 See A.R.S. § 32-3601 *et seq.* and the rules promulgated pursuant to those statutes.

8 See A.R.S. § 41-1092.07(G)(1); A.A.C. R2-19-119; *see also Vazanno v. Superior Court*, 74 Ariz. 369, 372, 249 P.2d 837 (1952).

9 Morris K. Udall, *Arizona Law of Evidence* § 5 (1960).

10 *Black's Law Dictionary* at page 1220 (8<sup>th</sup> ed. 1999).

11 See A.R.S. § 32-3605(B)(1).

12 See A.A.C. R4-46-401.

13 See A.R.S. § 32-3605(B)(2).

14 See A.R.S. § 41-1092.07(F)(3).



6. The reports that the Board randomly selected to consider may not have been truly indicative of Ms. Moritz's qualifications. Substantial justice as well as professional courtesy may require the Committee to review and make a recommendation on the additional evidence that Ms. Mohritz offered at hearing before the Board makes its final decision on the Administrative Law Judge's recommendation.

Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board accept the Administrative Law Judge's Order, to read as follows:

#### **ORDER OF DENIAL OF APPLICATION**

In issuing this order, the Board considers its burden to protect the public welfare and safety, as well as all aggravating and mitigating factors presented in the case. Based on the foregoing Findings of Fact and Conclusions of Law, the Board upholds its earlier denial of Application No. 6817 for certification as a certified general real estate appraiser submitted by Patricia A. Mohritz.

#### **RIGHT TO PETITION FOR REHEARING OR REVIEW**

Applicant is hereby notified that she has the right to petition for a rehearing or review. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of this Order and pursuant to A.A.C. R4-46-303, it must set forth legally sufficient reasons for granting a rehearing or review. Service of this order is effective five (5) days after mailing. If a motion for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Applicant.

Applicant is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion upon the following roll call vote: Les Abrams--yes; Rod Bolden--yes; Gabe Corral--yes; Charlie Havranek--yes; Cynthia Henry--yes; Myra Jefferson--yes; Debbie Rudd--yes.

#### **Review and Action Regarding Issues Dealing With Formal Hearing Concerning 07F-6823-BOA, Efrain E. Orozco.**

Respondent did not appear. Jeanne Galvin, Assistant Attorney General, represented the State. Christopher Munns, Assistant Attorney General, Solicitor General's Office, advised the Board. The Board, having reviewed the record, heard oral argument on behalf of the State. Charlie Havranek moved that the Board accept Findings of Fact 1-23 of the Administrative Law Judge with modifications requested by the State to correct typographical errors, and Conclusions of Law 1-9, to read as follows:

#### **FINDINGS OF FACT**

1. On June 20, 2007, Efrain E. Orozco ("Mr. Orozco") submitted to the Arizona Board of Appraisal ("Board") an application for a Residential Real Estate Appraiser license ("Application").

2. Mr. Orozco answered "No" to Question 11 of the Application, which asked: "Have you ever been charged with, convicted of or pled nolo contendere (no contest) to a criminal offense, other than a minor traffic violation, in this or in any other jurisdiction (i.e., locality)? You must answer "YES" even if you received a pardon, the conviction was set aside, the records were expunged, your civil rights were restored, and whether or not a sentence was imposed or suspended."

3. Mr. Orozco wrote as an explanation to his response to Question 11 of the Application that it was "So Long Ago, unable to provide docs At the Time of Application."

4. Mr. Orozco signed the Application certifying under penalty of perjury under the laws of the State of Arizona that "the foregoing answers and statements given in this application are true and correct."

5. Mr. Orozco testified that subsequent to the submission of the Application to the Board, a staff person employed by the Board contacted him to obtain clarification in writing as to Mr. Orozco's response to Question 11 on the Application.

6. As a result of such contact, Mr. Orozco submitted a letter to the Board dated August 2, 2007 (Exhibit 2) wherein Mr. Orozco indicated that he had searched the State of Florida criminal records and found no record of previous charges against him. Mr. Orozco disclosed in that letter that in 1997 or 1998 he was cited for driving with a suspended license, which is a misdemeanor. He further stated that he is "not aware of any other citations on my record and I know for fact there are no outstanding charges against me." Mr. Orozco wrote that the acts were indiscretions of his youth and not felonious activities and asserted he has changed his life around.

7. The evidence of record established that on February 8, 2001, in the Circuit and County out of the Eleventh Judicial District of Miami-Dade County, in Case Number M00037472, Mr. Orozco was convicted of the crime of petty larceny, theft, a misdemeanor. The conviction was established by a certified document issued by the Clerk of the Circuit and County Courts In and For Miami-Dade County (Exhibit 4) showing that the date of the arrest/citation was June 24, 2000 and disposition date was February 8, 2001. The actual court documents are no longer available because the court's retention record period for misdemeanor records is five years. At hearing, Mr. Orozco admitted to having been convicted of petty larceny, theft, in the state of Florida.

8. Deborah G. Pearson ("Ms. Pearson"), the Executive Director of the Board, testified:

a. The Board's application review committee reviewed the Application and forwarded the Application to the Board with a recommendation that it be denied on the basis of Mr. Orozco's failure to disclose his criminal history. Notice of the meeting when the committee reviewed the Application and reached the denial recommendation was provided to Mr. Orozco but he did not attend that meeting.

b. Subsequent to the Committee denial recommendation, the Board met and discussed the basis for the application review committee's recommendation to deny the Application. After the discussion, the Board voted to deny the Application.

c. Mr. Orozco was notified of the August 16, 2007 Board decision to deny the Application based on his failure to meet the minimum criteria for licensure set forth in A.R.S. §§ 32-3620(A), 32-3631(A)(1) and 32-3631(A)(8).

d. After issuance of the denial letter, Mr. Orozco appealed the Board's determination regarding the Application (See Exhibit 3), resulting in the instant hearing being set before the Office of Administrative Hearings.

9. Mr. Orozco testified that he did not disclose to the Board the above-mentioned conviction for petty larceny because he was unable to obtain documents regarding that conviction and did not remember it at the time he submitted the Application.

10. During cross-examination, Mr. Orozco acknowledged that he had other misdemeanor convictions in the State of Florida that he did not disclose to the Board either in the Application or in his subsequent explanation letter to the Board. He testified as to the nature of the

convictions and did not explain why he recalled the convictions during the hearing but did not disclose them to the Board other than to state that he was not able to obtain either police or court documents pertaining to the misdemeanor convictions.

11. Mr. Orozco testified that he searched the records of the State of Florida on-line for such documents and also called the police department in the location where he was convicted of driving while on a suspended license but was not successful in obtaining any documents. He learned that Florida's retention period for misdemeanor convictions is five years and the convictions occurred more than five years ago.

12. Mr. Orozco attempted to explain why he did not disclose the petty larceny conviction to the Board by stating that when he had switched sunglasses in a store on his way out, he has been stopped and issued a citation.

13. Mr. Orozco testified that all of his convictions were misdemeanor convictions and he did not spend one day in jail.

14. Mr. Orozco attempted to explain that he was a different person at the time when the convictions occurred, that the period of his life when the convictions and acts underlying the convictions occurred is hazy to him and he cannot recall detailed information regarding the convictions. Yet, Mr. Orozco was able to recollect and disclose to the Board during the application process his conviction for driving on a suspended license in either 1997 or 1998 despite not having any documentation regarding that conviction.

15. The Administrative Law Judge finds that Mr. Orozco has a history of misdemeanor convictions that were not disclosed to the Board during the application process and that Mr. Orozco's explanation as to his failure to disclose such information to the Board is not convincing. It appears to the Administrative Law Judge that Mr. Orozco may have believed that because court documents did not exist pertaining to those convictions that the Board would not learn of them.

16. Mr. Orozco's ability to remember at hearing misdemeanor convictions that were not disclosed to the Board shows that he was not truthful to the Board when he completed and submitted the Application.

17. Ms. Pearson testified that despite not having court documents relating to Mr. Orozco's misdemeanor convictions that were addressed at the hearing, the Board, through its criminal history background search, learned of such criminal history and considered the misdemeanor convictions and Mr. Orozco's nondisclosure in reaching the determination to deny the Application.

18. Mr. Orozco testified that the acts underlying the misdemeanor convictions were made when he was younger and immature. He testified that he moved away from Florida and changed his life around. Mr. Orozco represented that he is not the same person he was when he committed the criminal activities underlying the convictions.

19. Mr. Orozco's wife also testified that Mr. Orozco has changed and turned his life around.

20. Mr. Orozco submitted two letters of character by two licensed appraisers with whom he has trained as an intern. One of the appraisers, Jerad Hunsaker ("Mr. Hunsaker"), contacted Mr. Orozco and asked him to move from Las Vegas, Nevada to Phoenix to open an appraisal office.

21. In Mr. Hunsaker's letter (Exhibit A), he stated Mr. Orozco's persistence and desire in becoming an appraiser is evidence of his good character. He believes Mr. Orozco to be a hard working and honest person.

22. In the other letter of character (Exhibit B), Christopher Uber stated that Mr. Orozco has grown since he met him and become one of the most ethical and responsible persons he knows.

23. Other than his testimony and that of his wife, Mr. Orozco did not present any character witnesses to testify at the hearing.

#### **CONCLUSIONS OF LAW**

1. A.R.S. § 32-3620(A) provides that "[t]he board may deny the issuance of a license or certificate as a state licensed or state certified appraiser to an applicant who has been convicted of a felony or on any of the grounds prescribed in this chapter."

2. A.R.S. § 32-3631(A) provides:

The rights of an applicant or holder under a license or certificate as a state licensed or state certified appraiser may be revoked or suspended or the holder of the license or certificate may otherwise be disciplined in accordance with this chapter on any of the grounds set forth in this section.

The board may investigate the actions of a state licensed or state certified appraiser and may revoke or suspend the rights of a license or certificate holder or otherwise discipline a state licensed or state certified appraiser for any of the following acts or omissions:

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1. Procuring or attempting to procure a license or certificate pursuant to this chapter by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for a license or certificate or committing any form of fraud or misrepresentation.

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8. Willfully disregarding or violating any of the provisions of this chapter or the rules of the board for the administration and enforcement of this chapter.

3. Mr. Orozco has the burden of proving by a preponderance of the evidence that the denial of the application should be reversed. See A.R.S. § 41-1092.07(G)(1); and A.A.C. R2-19-119.

4. A preponderance of the evidence is "such proof as convinces the trier of fact that the contention is more probably true than not." Morris K. Udall, Arizona Law of Evidence § 5 (1960). It is "evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not." Black's Law Dictionary 1182 (6<sup>th</sup> ed. 1990).

5. The weight of the evidence of record established that Mr. Orozco was convicted of petty larceny, theft, and has had other misdemeanor convictions that he willfully did not disclose to the Board during the application process.

6. The Board's application for licensure requires applicants to be truthful and honest in responding to the questions on the application.

7. The above-mentioned letters of character are given little weight because the authors of the letters were not present to be questioned by the Board's counsel or by the Administrative Law Judge and could not be observed by the Judge.

8. The weight of the evidence of record established that pursuant to A.R.S. §§ 32-3620(A) and 32-3631(A)(1) and (8) grounds exist for the Board to deny the Application.

9. Mr. Orozco failed to meet his burden of proving by a preponderance of the evidence that he is qualified to hold a real estate appraiser license or that the Board's determination to deny the Application should be reversed.

Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board accept the Administrative Law Judge's Order, to read as follows:

**ORDER OF DENIAL OF APPLICATION**

In issuing this order, the Board considers its burden to protect the public welfare and safety, as well as all aggravating and mitigating factors presented in the case. Based on the foregoing Findings of Fact and Conclusions of Law, the Board upholds its earlier denial of Application No. 6823 for certification as a licensed real estate appraiser submitted by Efrain E. Orozco.

**RIGHT TO PETITION FOR REHEARING OR REVIEW**

Applicant is hereby notified that he has the right to petition for a rehearing or review. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of this Order and pursuant to A.A.C. R4-46-303, it must set forth legally sufficient reasons for granting a rehearing or review. Service of this order is effective five (5) days after mailing. If a motion for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Applicant.

Applicant is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion upon the following roll call vote: Les Abrams--yes; Rod Bolden--yes; Gabe Corral--yes; Charlie Havranek--yes; Cynthia Henry--yes; Myra Jefferson--yes; Debbie Rudd--yes.

Christopher Munns, Assistant Attorney General, Solicitor General's Office, left the meeting.

Review and Action Concerning Superior Court Case CV-06-4140 (03F-1782-BOA/03F-1784-BOA), Felicia M. Coplan.

Respondent did not appear. Jeanne Galvin updated the Board with the status of Respondent's appeal.

Review and Action Concerning 2225, Joshua Hernandez.

Respondent did not appear. In its 12-month file review, Debbie Rudd moved that the matter be referred to formal hearing before the Office of Administrative Hearings (OAH). Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Montgomery Lee, Assistant Attorney General, joined the meeting.

Review and Action Concerning 2280/2281/2282/2283/2284/2285/2286/2287/2288/2289/2290/2291/2292/2293/2294/2295/ 2296/2297/2298/2299/2300/2301, Kym R. Gaudette.

Respondent appeared and was represented by Andrew Lynch, Esq. Charlie Havranek moved that the Board go into Executive Session for legal advice. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Upon return from Executive Session, in its 12-month file review, the Board instructed the attorneys to negotiate a revised Consent Agreement and Order of Discipline for approval by the Board at its February meeting.

## BOARD CHAIRPERSON REPORT

None.

## EXECUTIVE DIRECTOR REPORT

Debb Pearson reported on the status of the Assistant Attorney General's assignments; advised the complaint answer dates that had been extended by staff; reported the following complaint statistics as of 12/31/07 for calendar years 2006 and 2007:

	<u>2006</u>	<u>2007</u>	<u>2007</u>
Complaints filed	209	243	
Complaints heard by Board			619
<b><u>OF THOSE COMPLAINTS:</u></b>			
Complaints dismissed	73	78	98
Complaints referred to investigation	84	75	116
Complaints resolved with nondisciplinary letter of concern	30	14	20
Complaints resolved with nondisciplinary letter of remedial action	11	12	18
Complaints resolved with disciplinary letter of due diligence	6	7	9
Complaints resolved with probation	30	18	44
Complaints referred to informal hearing	67	36	79
Complaints referred to formal hearing	32	5	32
Complaints resolved with suspension	6	3	4
Complaints resolved with surrender	2	1	2
Complaints resolved with revocation	1	3	4
Complaints resolved with cease and desist letters	24	2	4
Violation Levels:			
I	35	18	25
II	11	17	23
III	22	17	41
IV	3	4	6
V	10	3	5
<b><u>Additional Information:</u></b>			
	<u>2005</u>	<u>2006</u>	<u>2007</u>
Jurisdiction Expired & Complaints Closed	21	20	9
Denials of New Applications	5	7	7
Denials of Renewal Applications	2	4	1

reported the status of the Board's pending rulemaking package; updated the Board concerning the 2008 national examination; and advised the Board concerning the favorable results of the audit by the FBI regarding the Board's and staff's handling of fingerprint cards and confidential criminal histories of applicants.

## **APPLICATION REVIEW COMMITTEE REPORT**

Debbie Rudd reported the following Arizona appraiser and property tax agent information as of January 15, 2008:

	<u>1/06</u>		<u>1/07</u>		<u>1/08</u>
Licensed Residential	932		1079		1063
Certified Residential	860		977		1131
Certified General	770		767		799
Nonresident Temporary	91	Total 2653	49	Total 2872	27 Total 3020
Property Tax Agents	288		289		268

The Board reconsidered application #7161, Jessica D. Pena. Debbie Rudd recused herself. Charlie Havranek moved that the Board find certified residential #7161, Jessica D. Pena, substantively complete. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion. Myra Jefferson moved that the Board accept the Committee's recommendations, except application #7197, David R. Biondi (see attached). Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd recused herself concerning application #7197, David R. Biondi. Charlie Havranek moved that the Board find certified residential #7197, David R. Biondi, substantively complete. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. The Board took no action concerning Joseph R. Longoria.

## **APPRAISAL TESTING AND EDUCATION COMMITTEE REPORT**

Debbie Rudd moved that the Board accept the Committee's recommendations (see attached). Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion.

## **BUDGET COMMITTEE REPORT**

Myra Jefferson reported on the Board's expenditures and receipts for fiscal year 2008 to date. Charlie Havranek moved that the Board accept the Committee's report. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

## **OLD BUSINESS**

### Discussion and Action Concerning Advertising by Adept Appraisal.

The Board noted that in response to the Board's letter, the advertising by Adept Appraisal had been changed to meet appraiser standards.

## **NEW BUSINESS**

### Discussion And Action Regarding U.S. Department Of Housing And Urban Development (HUD) Audit Report #2007-LA-1011 Concerning Suburban Mortgage, Inc. And Subject Appraisers.

Charlie Havranek moved that staff request additional information from HUD. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Discussion And Action Regarding Election Of Board Officers.

Cynthia Henry nominated Les Abrams as Chairperson of the Board and Charlie Havranek as Vice Chairperson of the Board. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the Board.

Discussion And Action Concerning 48<sup>th</sup> Legislature—2<sup>nd</sup> Regular Session And Governor's Recommended Merger Of The Arizona Board Of Appraisal Into The Arizona Department Of Real Estate.

Les Abrams updated the Board concerning the proposed merger.

Preliminary Report from Kristi Klamet and Jenny Tidwell, Appraisal Policy Managers, Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Kristi Klamet advised that the results of the biennial field review of the Board were extremely favorable and complimented the Board and staff. Ms. Klamet reported that the Board and staff are handling applications, education, and complaints in a timely manner and that the policies, practices and procedures are in compliance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. Ms. Klamet advised that Board statutes, A.R.S. §§ 32-3619 and 32-3628, should be amended to comply with the Real Property Appraiser Criteria adopted by the Appraiser Qualifications Board, which requires that appraisers returning from active military duty have a period of 90 days to complete all continuing education (rather than 180 days provided in Board statutes).

**CONFIRMATION OF MEETING DATES, TIMES, LOCATIONS AND PURPOSES**

The upcoming Committee and Board meetings were scheduled as follows:

**February**

20	Application Review Committee	9:00 a.m.
21	Appraisal Testing and Education Committee	7:30 a.m.
21	Board	9:00 a.m.

**ADJOURNMENT**

The meeting was adjourned.

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Lester G. Abrams, Chairperson



**RECOMMENDATIONS  
COMMITTEE ON APPLICATION REVIEW**

**To: Board of Appraisal**  
**From: Application Review Committee**  
**Date: January 17, 2008**  
**Re: January 16, 2008 Recommendations**

**I. Report on number of Arizona Appraisers and Property Tax Agents:**

	<u>1/06</u>		<u>1/07</u>		<u>1/08</u>
Licensed Residential	932		1079		1063
Certified Residential	860		977		1131
Certified General	770		767		799
Nonresident Temporary	91	Total 2653	49	Total 2872	27
Property Tax Agents	288		289		268

**II. As a result of its January 16, 2008 meeting the Application Review Committee makes the following recommendations:**

**A.** To refer the 12/7/07 Default Final Order issued by the Oregon Appraiser Certification and Licensure Board against Joseph R. Longoria to the full Board.

**B. To approve the following applications as substantively complete:**

**1. Renewal applications:**

11437 Lyndsey A. Guenther  
30731 Patricia A. Thoms

**2. Licensed Residential by exam unless noted otherwise:**

7092 Victor L. Cruz  
7093 Kirby A. King  
7107 Jacque P. Pope  
7185 Mary E. Meehan  
7186 Kimberly C. Pangle  
7187 Brad V. Cook  
7201 Christiane Sanders  
7237 Robert A. Krzyzostaniak

**3. Certified Residential by exam unless otherwise noted:**

6820 Diana L. Warren  
6841 Larry R. Hamby

6980	Jeremiah J. O'Brien
7061	Casey S. Wright
7062	Richard A. Norfolk
7118	Sandra J. Kalscheur
7124	Mark L. Kelly
7137	Scott A. Cook
7139	Anne L. Bird
7140	Pamela M. Harris
7141	Chad E. Haggard
7142	Kenneth A. Softley
7148	Jarold T. Droegkamp
7155	Debra K. Hays
7158	Bruce A. Lopez
7171	Jorge E. Ferrer
7177	Jamie L. McKinley
7190	Shari L. Brownlee
7196	Ashlee D. Donaldson
7197	David R. Biondi (Debra Rudd recused herself)
7206	Robert E. Emmons
7211	Matthew S. Prince
7214	Michael P. Thompson
7217	Brent K. Walden
7223	Douglas C. Underwood
7239	Kathryn A. Harper
7244	Marie Grier
7251	Adele D. Lindquist
7261	Ronald R. Zimmerman
7266	Shannon V. Ganley
7318	Natalie A. Maloney

4. Certified General by exam unless otherwise noted:

6939	Ryan W. Melzer
7078	Lisa F. Macdonald
7179	Robert J. McDonald
7188	Jo D. Reidelberger
7193	James W. Hogan
7205	Mitchell E. Simonson
7250	Jay D. Jessup

- C.** To approve the following applications as substantively complete and confirm the issuance of the following license/certification:

**1. Reciprocity**

11960	Jennifer L. Deuning
31589	Brandon L. Hawks
31590	Marla H. Tannenbaum
31592	Eric C. Pfeiffer
31597	Alvin O. Benton

**2. Nonresident Temporary**

TP41076	Mark S. Nicol
TP41077	Shane T. Lovelady
TP41078	Karen L. Blosser

- D.** To disapprove the following applications as substantively incomplete and hold until substantively complete:

7109	John W. Downing
7123	Todd S. Reiser
7156	Debra T. Miller
7173	Martha A. Roush
7207	Cherylann S. Bryant (by reciprocity)
7209	Marshall L. Martin
7249	Trenton J. Beyer

**III. Applications Pending - Substantively Incomplete**

6906	Teresa J. Wagner
6953	Daniel J. Kennedy (by reciprocity)
6996	Richard D. Ellis
6998	Stephen Rich (by reciprocity)
7017	Michael J. Heaton
7022	Robert J. Sitter
7027	Thomas E. Chambers
7085	Janet A. Defrancesco
7086	Timothy L. Scheible
7090	Raymod R. Bluth
7100	Steven P. Hanna
7151	Glenda R. Lawson

## **RECOMMENDATIONS**

### ***COMMITTEE ON APPRAISAL TESTING AND EDUCATION***

**TO: Board of Appraisal**

**FROM: Committee on Appraisal Testing and Education**

**DATE: January 17, 2008**

**RE: January 17, 2008 Recommendations**

**As a result of its January 17, 2008 meeting the Committee on Appraisal Testing and Education makes the following recommendations:**

- I.** Action regarding correction of previously approved course hours and to bring to the Board's attention some students may have received incorrect course hours.

International Association of Assessing Officers  
101 Fundamentals of Real Property Appraisal, #ABA 0302-171-01 15 hours

- II.** Action regarding proposed approval of **qualifying education courses:**

**A. Previously approved by the Board:**

1. Submitted by American Society of Farm Managers & Rural Appraisers
  - a. A-113 2008-2009 National USPAP Course, #ABA 0202-147-03 15 hours  
\*James Cannon, Mark Lewis, Lee Ann Moss, Scott Seeley, Julie Young, Chris Greenwalt  
Recommend approval
2. Submitted by Appraisal Institute
  - a. 2008-2009 National USPAP, #ABA 0402-207-03 15 hours  
\*Keith Russell  
Recommend approval
3. Submitted by Dynasty School
  - a. Real Estate Appraisal-Basic Principles and Procedures, #ABA D1206-596-01-02 60 hours  
Distance Education  
\*Robert Abelson  
Recommend approval

4. Submitted by Hogan School of Real Estate
  - a. 2008-2009 National USPAP Course, #ABA 0606-549-03 15 hours  
\* Roy Morris  
Recommend approval
5. Submitted by Trans-American Institute of Professional Studies, Inc.
  - a. 2008-2009 National USPAP, #ABA 0404-350-03 15 hours  
\*Barry Shea, Lynn Heiden  
Recommend approval
6. Submitted by Wachovia Appraisal Training
  - a. 2008-2009 National USPAP, #ABA 0703-288-03 15 hours  
\*Mike Morton, Jr.  
Recommend approval

**B. Not previously approved by the Board:**

1. Submitted by Appraisal Institute
  - a. Online Residential Report Writing & Case Studies, 15 hours  
Distance Education  
\*Sandy Adomatis  
Recommend approval
2. Submitted by Dynasty School
  - a. Residential Market Analysis & Highest & Best Use, 15 hours  
Distance Education  
\*Robert Abelson  
Recommend approval
  - b. Residential Sales Comparison & Income Approaches, 30 hours  
Distance Education  
\*Robert Abelson  
Recommend approval
  - c. Residential Site Valuation & Cost Approach, 15 hours  
Distance Education  
\*Robert Abelson  
Recommend approval
3. Submitted by Van Education Center
  - a. Basic Appraisal Procedures, 30 hours  
Distance Education  
\*Burton Lee, Clayton Watson  
Recommend approval

**III. Action regarding proposed approval of continuing education courses:**

**A. Previously approved by the Board:**

1. Submitted by American Society of Farm Managers & Rural Appraisers
  - a. A-114 2008-2009 National USPAP Update, #ABA 0305-400 7 hours  
\*James Cannon, Mark Lewis, Lee Ann Moss, Scott Seeley, Julie Young  
Chris Greenwalt  
Recommend approval
2. Submitted by Appraisal Institute
  - a. 2008-2009 National USPAP Update, #ABA 0203-275 7 hours  
\*Keith Russell  
Recommend approval
3. Submitted by Arizona School of Real Estate & Business
  - a. 3906 Home Inspection & the Real Estate Industry, #ABA 0203-272 4 hours  
\*Lamont Bawden, Earl Cass, Thomas Denny, Anthony Dinnell, James Duke, Willima Fisher, William Gray, Hos Hoskins, Gary Kiggins, David Maza, Don Miner, Paul Rhodes, Becky Ryan, Scott Rychener, Ronald Schilling, Larry Schoenberger, Daniel Smith, Stan Strom, Rick Turkian, Kim Kobriger  
Recommend to not approve
  - b. CP 6020 Home Inspector In-Training Course, #ABA 0303-284 80 hours  
\*Lamont Bawden, Earl Cass, Thomas Denny, Anthony Dinnell, James Duke, Willima Fisher, William Gray, Hos Hoskins, Gary Kiggins, David Maza, Don Miner, Paul Rhodes, Becky Ryan, Scott Rychener, Ronald Schilling, Larry Schoenberger, Daniel Smith, Stan Strom, Rick Turkian, Kim Kobriger  
Recommend approval
4. Submitted by The Columbia Institute
  - a. Scope of Work and Appraiser Due Diligence, #ABA 1206-598 4 hours  
\*Ronald Smith, Bryan Reynolds, Bernerd Boarnet, Amelia Brown, Bobby Crisp, Martin Molloy, Robert Hetrick, Diana Jacob, George Harrison, Samuel Henderson, Daniel Smith, Roy Morris  
Recommend approval
5. Submitted by Hogan School of Real Estate
  - a. 2008-2009 National USPAP Update, #ABA 0506-538 7 hours  
\* Roy Morris  
Recommend approval
  - b. Private Water Wells, #ABA 1206-601 3 hours  
\*Gary Hix  
Recommend approval

6. Submitted by Trans-American Institute of Professional Studies, Inc.
  - a. 2008-2009 National USPAP Update, #ABA 1104-384 7 hours  
Barry J. Shea, Lynne Heiden  
Recommend approval
7. Submitted by Wachovia Appraisal Training
  - a. 2008-2009 National USPAP Update, #ABA 0703-287 7 hours  
\*Mike Morton, Jr.  
Recommend approval
  - b. Appraising the Single Family Residence, #ABA 0102-128 30 hours  
\*Rick Langdon, Deon Layton, Kevin Wardrop, Russell Mclaughlin, Tom Perling, Jennifer Swope, Al Pinto, Glenn Froede  
Recommend approval
  - c. Principles of Capitalization, #ABA 0102-129 30 hours  
\*Rick Langdon, Deon Layton, Kevin Wardrop, Russell Mclaughlin, Tom Perling, Jennifer Swope, Al Pinto, Glenn Froede  
Recommend approval
  - d. Real Estate Appraisal Application, #ABA 0102-130 30 hours  
\*Rick Langdon, Deon Layton, Kevin Wardrop, Russell Mclaughlin, Tom Perling, Jennifer Swope, Al Pinto, Glenn Froede  
Recommend approval
  - e. Real Estate Appraisal Methods, #ABA 0102-131 33 hours  
\*Rick Langdon, Deon Layton, Kevin Wardrop, Russell Mclaughlin, Tom Perling, Jennifer Swope, Al Pinto, Glenn Froede  
Recommend approval
  - f. Foundations of Real Estate Appraisal, #ABA 0102-132 30  
\*Rick Langdon, Deon Layton, Kevin Wardrop, Russell Mclaughlin, Tom Perling, Jennifer Swope, Al Pinto, Glenn Froede  
Recommend approval
  - g. Appraisal Review II, #ABA 1103-312 8 hours  
\*Rick Langdon, Deon Layton, Kevin Wardrop, Russell Mclaughlin, Tom Perling, Jennifer Swope, Al Pinto, Glenn Froede  
Recommend approval

**B. Not previously approved by the Board:**

1. Submitted by Appraisal Institute
  - a. Online Real Estate Appraisal Operations, 4 hours  
Distance Education  
\*Sandra Adomatis  
Recommend to not approve
2. Submitted by International Right of Way Association
  - a. Reviewing Appraisals in Eminent Domain #410 8 hours  
\*James Finnegan  
Recommend approval

**IV. Action regarding proposed approval of instructor approval:**

1. Submitted by Arizona School of Real Estate & Business
  - a. Loan Fraud and Other Factors Impacting Residential Real Estate, #ABA 0407-627
    - (1) Don Spongberg
    - (2) Amy Swaney
    - (3) Kim KobrigerRecommend approval
  - b. AP-14A General Appraiser Income Approach, #ABA 0507-642-14
    - (1) Kim Kobriger
    - (2) Rick Turkian
    - (3) Bob KaczmarekRecommend approval
  - c. AP-14B General Appraiser Income Approach, #ABA 0707-674-14
    - (1) Kim Kobriger
    - (2) Rick Turkian
    - (3) Bob KaczmarekRecommend approval
  - d. 1038 Business Valuation, #ABA 0901-039
    - (1) Janice Staropoli,
    - (2) Kim KobrigerRecommend approval
  - e. AP-12 General Appraiser Site Valuation and Cost Approach, #ABA 0907-689-12
    - (1) Kim Kobriger
    - (2) Rick Turkian
    - (3) Bob KaczmarekRecommend approval
  - f. AP-13 General Appraiser Sales Comparison Approach, #ABA 0907-690-13
    - (1) Kim Kobriger
    - (2) Rick Turkian
    - (3) Bob Kaczmarek
    - (4) Earland E. CassRecommend approval
  - g. AP-01 Basic Appraisal Principles, #ABA 0906-569-1
    - (1) Kim KobrigerRecommend approval
  - h. AP-02 Basic Appraisal Procedures, #ABA 0906-570-2
    - (1) Kim KobrigerRecommend approval
  - h. AP-04 Residential Market Analysis and Highest and Best Use, #ABA 0607-650-4
    - (1) Kim KobrigerRecommend approval
  - i. AP-05 Residential Appraiser Site Valuation and Cost Approach, #ABA 0607-651-5
    - (1) Kim KobrigerRecommend approval



- j. AP-06 Residential Sales Comparison and Income Approaches, #ABA 0607-652-6  
(1) Kim Kobriger  
Recommend approval
- k. AP-07 Residential Report Writing, #ABA 0906-571-7  
(1) Kim Kobriger
- l. AP-08 Statistics, Modeling, Finance, ABA #0707-672-8  
(1) Kim Kobriger  
Recommend approval
- m. AP-09 Advanced Residential Applications and Case Studies, #ABA 0707-673-9  
(1) Kim Kobriger  
Recommend approval
- n. AP-11 General Appraiser Market Analysis and Highest and Best Use, #ABA 0907-688-11  
(1) Kim Kobriger  
Recommend approval
- o. C4743 1031 Exchanges/Advanced Structures & Issues, #ABA 0306-513  
(1) Kim Kobriger  
Recommend approval
- p. C5025 Apartments as an Investment, #ABA 0806-557  
(1) Kim Kobriger  
Recommend approval
- q. 3204 Appraisal Review Process, #ABA 0901-030  
(1) Kim Kobriger  
Recommend approval
- r. 1968 Appraisal Valuation & Current Economic Trends, #ABA 0302-164  
(1) Kim Kobriger  
Recommend approval
- s. 1254 Appraising Income Producing Property, #ABA 0502-216  
(1) Kim Kobriger  
Recommend approval
- t. C6505 Appraising Manufactured Housing, #ABA 0404-356  
(1) Kim Kobriger  
Recommend approval
- u. 3200 Appraising Property in Condemnation, #ABA 0302-167  
(1) Kim Kobriger  
Recommend approval
- v. 3849 Arizona Appraisal Law, #ABA 0302-163  
(1) Kim Kobriger  
Recommend approval
- w. 1021 Arizona Construction Materials, #ABA 0806-554  
(1) Kim Kobriger  
Recommend approval
- x. 3854 Arizona Land Development, #ABA 0306-517  
(1) Kim Kobriger  
Recommend approval

- y. 2750 Arizona Land Market, #ABA 0901-033  
(1) Kim Kobriger  
Recommend approval
- z. 1026 Arizona Property Tax System, #ABA 1001-043  
(1) Kim Kobriger  
Recommend approval
- aa. C5041 Arizona Title Procedures, #ABA 1006-587  
(1) Kim Kobriger  
Recommend approval
- bb. 1028 Arizona Water Law, #ABA 0901-042  
(1) Kim Kobriger  
Recommend approval
- cc. 1031 Bankruptcy, #ABA 1001-041  
(1) Kim Kobriger  
Recommend approval
- dd. 2805 Business Structures or Business Ownership, #ABA 0901-029  
(1) Kim Kobriger  
Recommend approval
- ee. C4217 Business Valuation Approaches & Methods, #ABA 0806-556  
(1) Kim Kobriger  
Recommend approval
- ff. 3247 Commercial Contract Writing, #ABA 0306-515  
(1) Kim Kobriger  
Recommend approval
- gg. 1072 Commercial Financing & Its Alternatives, #ABA 0906-577  
(1) Kim Kobriger  
Recommend approval
- hh. C7524 Commercial Leasing Issues, #ABA 0806-561  
(1) Kim Kobriger  
Recommend approval
- ii. Condominiums, Co-ops, and PUDs, #ABA 1106-593  
(1) Kim Kobriger  
Recommend approval
- jj. C6216 Arizona Construction Law, #ABA 0104-329  
(1) Kim Kobriger  
Recommend approval
- kk. 3393 Construction Law: Zoning/UBC/ADA/ Fairhousing, #ABA 1006-586  
(1) Kim Kobriger  
Recommend approval
- ll. 2082 Environmental Problems & Their Effect on Land Values, #ABA 0502-215  
(1) Kim Kobriger  
Recommend approval
- mm. 2657 Federal Fair Housing & the Americans with Disabilities Act,  
#ABA 0901-034  
(1) Kim Kobriger  
Recommend approval
- nn. C4672 FHA Appraisal Requirements, #ABA 0701-249  
(1) Kim Kobriger  
Recommend approval

- oo. C7431 FHA Minimum Property Standards and FNMA Appraisal Guidelines, #ABA 1205-492  
(1) Kim Kobriger  
Recommend approval
- pp. C7432 FHA/FNMA Requirements for Appraisal Condominiums, #ABA 1205-  
(1) Kim Kobriger  
Recommend approval
- qq. FNMA/FHA Requirements-Appraising Property Flip, #ABA 0607-667  
(1) Kim Kobriger  
Recommend approval
- rr. 1104 Foreclosures/Forfeitures, #ABA 0901-040  
(1) Kim Kobriger  
Recommend approval
- ss. 1105 Exchanging Real Estate, #ABA 0901-037  
(1) Kim Kobriger  
Recommend approval
- tt. 1109 General Contractors Licensing Program, #ABA 0202-152  
(1) Kim Kobriger  
Recommend approval
- uu. 2986 Government Lands in Arizona, #ABA 0901-032  
(1) Kim Kobriger  
Recommend approval
- vv. 1116 Hewlett Packard 12C Calculator, #ABA 0901-036  
(1) Kim Kobriger  
Recommend approval
- ww. 1253 How Appraisers Develop Capitalization Rates, #ABA 0702-241  
(1) Kim Kobriger  
Recommend approval
- xx. 2065 How to Appraise Leasehold Interest, #ABA 0302-165  
(1) Kim Kobriger  
Recommend approval
- yy. 1145 How To Write A Commercial Lease, #ABA 0906-578  
(1) Kim Kobriger  
Recommend approval
- zz. 2068 How to Write a Narrative Appraisal, #ABA 0702-242  
(1) Kim Kobriger  
Recommend approval
- aaa. 1088 Introduction to Contract Writing (Boot camp), #ABA 0202-153  
(1) Kim Kobriger  
Recommend approval
- bbb. 2738 Intro Real Estate Investing, #ABA 0906-580  
(1) Kim Kobriger  
Recommend approval
- ccc. 4140 Land Development 101, #ABA 0306-518  
(1) Kim Kobriger  
Recommend approval
- ddd. 2576 Land Planning & Zoning, #ABA 0901-035  
(1) Kim Kobriger  
Recommend approval

- eee. C6018 Legal Descriptions, #ABA 0403-281
    - (1) Kim Kobriger
    - Recommend approval
  - fff. C7393 Real Estate Feasibility Study, #ABA 0806-559
    - (1) Kim Kobriger
    - Recommend approval
  - ggg. C6254 Vacant Land as an Investment, #ABA 0806-558
    - (1) Kim Kobriger
    - Recommend approval
  - hhh. 3248 The Vacant Land Contract, #ABA 0306-516
    - (1) Kim Kobriger
    - Recommend approval
  - iii. 1235 Working with Blueprints, #ABA 0901-031
    - (1) Kim Kobriger
    - Recommend approval
  - kkk. 1237 Zoning Regulations, #ABA 0306-514
    - (1) Kim Kobriger
    - Recommend approval
2. Submitted by Trans-American Institute
- a. Residential Report Writing Skills, #ABA 1207-726
    - (1) Barry J. Shea, Lynne Heiden
    - Recommend approval